

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 1993-008378

09/25/2008

HON. GARY E. DONAHOE

CLERK OF THE COURT
S. Yoder
Deputy

STATE OF ARIZONA

WILLIAM W CLAYTON
KIRSTEN VALENZUELA

v.

EFREN MEDINA (A)

DANIEL B PATTERSON
ALAN ISSA TAVASSOLI

CAPITAL CASE MANAGER
CITS - CCC SPANISH
VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY 20

PENALTY PHASE

State's Attorney:	William W. Clayton and Kirsten Valenzuela
Defendant's Attorney:	Daniel B. Patterson and Alan I. Tavassoli
Defendant:	Present
Court Reporter:	Laura Ashbrook

10:46 a.m. Trial to jury continues from September 24, 2008.

The jury is not present.

Defendant makes a *pro per* motion for mistrial based on testimony from witnesses referring the Defendant being on death row.

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For the reasons stated on the record,

IT IS HEREBY ORDERED denying Defendant's *pro per* motion for mistrial.

Defendant moves to waive representation of counsel and to represent himself. Defendant requests a 30-day continuance to prepare for trial.

IT IS HEREBY ORDERED denying the motion for continuance.

Pending before the Court is the State's Motion to Strike.

IT IS HEREBY ORDERED denying the State's Motion to Strike.

IT IS FURTHER ORDERED precluding any argument by Defendant or his attorneys that a death sentence would cause the death of his father.

10:50 a.m. Court stands at recess.

11:24 a.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter Laura Ashbrook is present.

The jury is not present.

Interpreter Martin Hernandez is present. Mr. Hernandez states for the record his recollection of what Mrs. Medina said yesterday that he did not translate because the State's objection to the Spanish testimony was sustained.

Mr. Medina withdraws his motion to waive his right to counsel.

Mr. Patterson moves for a mistrial based on testimony of Lewis Yablonsky that Defendant was housed on death row.

For the reasons stated on the record,

IT IS HEREBY ORDERED denying Mr. Patterson's motion for mistrial.

11:30 a.m. The jury is present.

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Maria Medina resumes the stand and testifies further, assisted by Interpreter Martin Hernandez.

1:35 p.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter Laura Ashbrook is present.

Interpreter Martin Hernandez is present.

The jury is present.

Maria Medina resumes the stand and testifies further assisted by the court interpreter.

James Evans Aiken is sworn and testifies.

2:54 p.m. Court stands at recess.

3:15 p.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter Laura Ashbrook is present.

The jury is present.

James Evans Aiken resumes the stand and testifies further.

Defendant's exhibit 126 is received in evidence.

4:30 p.m. The jury is excused for the day. Court remains in session.

Scheduling issues are discussed.

Legal issues are discussed.

4:37 p.m. Court stands at recess until September 29, 2008 at 10:30 a.m.